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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,298	06/17/2000	Uday R. Parekh	TQIP-0002	1742

27964 7590 01/03/2006	EXAMINER
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	ART UNIT	PAPER NUMBER
	2645	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	09/596,298	PAREKH ET AL.
	Examiner Ovidio Escalante	**Art Unit** 2645	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 November 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>1-20</u>.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>21-27</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: <u>see attachment</u>.

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante
Primary Examiner
Art Unit: 2645

Advisory Action

Regarding claim 21:

Applicant contends that Bodo does not teach "a controller recovering storage capacity in a storage unit using a file structure directory containing only telephony recordings" since the directory of Bodo is associated with the archival optical-recording media whereas the storage unit for which storage capacity is recovered is the hard disk which is unrelated to the directory. The Examiner respectfully disagrees.

While the Examiner acknowledges that Bodo records the telephony recordings onto optical-recording media and that the optical-recording media is a separate storage unit than the hard disk, Bodo specifically teaches of storing the telephony recordings onto the hard disk 56 first, and subsequently recording/copying the telephony recording to the optical recording media, (col. 13, lines 46-col. 14, line 4). The recordings, as taught by Bodo, will remain on the hard drive until a process has been initiated to delete the oldest of the recordings. Therefore, Bodo teaches a controller recovering storage capacity in a storage unit (hard drive) using a file structure directory containing only telephony recordings.

Applicant further contends that Bodo does not teach "each of said directories designated to contain only telephone recordings of telephone conversations created during particular periods of time..." since Bodo teaches directories for each input channel. The Examiner respectfully disagrees.

As shown in col. 12, lines 28+, which includes Table 1, Bodo teaches for each channel, e.g. channel 1, has a main file (e.g. 19980601) and sub-files (e.g 212450.AU and 225212.AU). Since the files 212450.AU and 225212.AU are both included under 19980601 then these files

make up an entire directory. Therefore, Bodo teaches each of said directories designated to
contain only telephony recordings of telephone conversation created during particular periods of
time.

Applicant contends that Bodo does not teach "a controller...that recovers storage
capacity in said storage unit by deleting an entire one of said directories based on said particular
periods of time" since Bodo only teaches that the CPU may be enabled to recover space on the
hard disk 56 for recording further telephone conversation by deleting files which contain the
oldest recorded telephone conversation. The Examiner respectfully disagrees.

In col. 14, Bodo teaches that "the computer program executed by the CPU may be
enabled to recover space on the hard disk 56 for recording future telephone conversation by
deleting files which contain the oldest recorded telephone conversations. Since Table 1 shows
that each date represents a directory (as shown above) and since date is used to determine how
old a particular record is then, by deleting the oldest recordings by date, then a deletion of an
entire one of the directories is accomplished. Therefore, the Examiner maintains that Bodo
teaches a controller...that recovers storage capacity in said storage unit by deleting an entire one
of said directories based on said particular periods of time.